

Message Text

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ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 CIAE-00 DODE-00 INRE-00

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FM AMEMBASSY MOSCOW

TO SECSTATE WASHDC IMMEDIATE 627

S E C R E T SECTION 1 OF 2 MOSCOW 3143

EXDIS

E.O. 11652: XGDS-3

TAGS: PARM, US, UR

SUBJ: TTBT/PNE NEGOTIATIONS: UNRESOLVED ISSUES

ROUND VI - TTBT/PNE DELEGATION MESSAGE NO. 97

1. ISSUES ARE COLLECTED UNDER GENERAL HEADINGS THAT SEEM APPROPRIATE, BUT ARE NUMBERED INDIVIDUALLY. NUMBERING IS NOT JUDGMENT AS TO IMPORTANCE.

2. FORMAT (ISSUE NO. 1). ASIDE FROM INEVITABLE DIFFERENCES IN PREFERENCE AS TO DOCUMENTARY STYLE, FORMAT ISSUE IS MAINLY DRIVEN BY SOVIET DESIRE TO MOVE AS MANY VERIFICATION PROVISIONS AS THEY CAN INTO DOCUMENTATION THAT CAN BE AMENDED BY JCC ACTION ALON. DELEGATION HAS MAINTAINED POSITION OPPOSING THIS APPROACH, AND POINTING TO PLACES IN US FORMAT WHERE CERTAIN SPECIFIC THINGS ARE LEFT TO AGREE-MENT BETWEEN THE PARTIES.

COMMENT: WE THINK WE SEE SIGNS OF SOVIET ACCEPTANCE OF US FORMAT, BUT THERE IS NO WAY TO BE SURE AT THIS TIME. END COMMENT.

3. DURATION (ISSUE NO. 2). US MAIN POINT IS LINK WITH TTBT. SOVIET STATED MAIN POINT IS THAT RULES GOVERNING PNEs MUST BE STABLE FOR A LONG TIME (15 YEARS) IN ORDER TO JUSTIFY LONG-TERM INVESTMENT IN DEVELOPING APPLICATIONS. ONE UNSTATED REASON, SURELY INVOLVED, IS SIGNIFICANCE FOR SECRET

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SOVIET PROPOSAL OF CTB WITH PNE ALLOWANCE. ANOTHER IS

SOVIET WISH TO AVOID SETTING ON-SITE OBSERVER PRECEDENT IN ARMS CONTROL AREA; SOVIETS CLAIM GOVERNING PNES NOT "ARMS CONTROL." THEREFORE, SHOULD HAVE DIFFERENT TIME FRAME FROM TTBT WHICH IS ARMS CONTROL.

4. "LEAGAL" PROVISIONS:

(A) (ISSUE NO. 3). IMMUNITIES OF DESIGNATED PERSONNEL, PARTICULARLY AS REGARDS LIABILITIES THAT MIGHT FLOW FROM "USE OF VEHICLE. US SIDE ADVOCATES LANGUAGE WHICH WOULD ATTACH POSSIBLE LIABILITY ONLY TO OPERATION OF VEHICLE; SOVIETS ASSERT LIABILITY ATTACHES EVEN IF ONE IS PASSENGER IN EMBASSY VEHICLE, RENTAL CAR, OR SOVIET OFFICIAL VEHICLE.

(B) (ISSUE NO. 4). INVIOABILITY OF VERIFICATION EQUIPMENT. US SIDE ADVOCATES CLEAR PROVISION THAT EQUIPMENT WILL BE INVIOABLE EXCEPT FOR RIGHTS OF ACCESS TO IT SPECI- FI ALLY PROVIDED ELSEWHERE IN PROTOCOL. SOVIETS WANT TO LIMITED LANGUAGE TO THOSE LATTER PROVISION ONLY, WHICH RAISES QUESTION OF NEGATIVE PRECEDENT WITH RESPECT TO INVIOABILITY ISSUE.

COMMENT: DELEGATION ANTICIPATING MATHESON TO DEAL WITH ISSUES NO. 3 AND 4. END COMMENT.

5. SLIFER AND EXPLOSIVES SPACINGS.

(A) (ISSUE NO. 5). SLIFER SPACING RELATIVE TO EXPLO- SIVE CANISTER. AD REFERENDUM AGREEMENT REACHED WITH SOVIETS.

(B) (ISSUE NO. 6). LENGTH OF EXPLOSIVE CANISTER. AD REFERENDUM AGREEMENT ON SLIFER SPACING INCLUDES PRO- VISION COVERING LENGTH OF EXPLOSIVE CANISTERS LESS THAN 10 METERS, BUT SOVIETS UNWILLING TO STATE IN TEXT THAT CANISTERS LONGER THAN 10 METERS ARE PROHIBITED. SOVIETS WANT ADDITIONAL PROVISION CONCERNING CANISTERS LONGER THAN 10 METERS. BOTH SIDES SAY THEY BOTH RECOGNIZE THAT LONGER CANISTERS COULD BE ALLOWED IF FUTURE AGREEMENT CAN BE REACHED, AS CONDITION PRECEDENT, ON PROVISIONS GOVERNING SUCH USE. DIFFERENCE IS OVER CHARACTER OF LANGUAGE TO

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BE USED TO EXPRESS THIS SEEMING COMMON VIEW. US SIDE ADVOCATES LANGUAGE SAYING LONGER CANISTERS SHALL NOT BE USED UNLESS AGREEMENT REACHED. SOVIETS WANT TO SAY, IN EFFECT, THAT LONGER CANISTERS WILL BE USED AND THE PARTIES WILL REACH AGREEMENT ON CASE-BY-CASE BASIS, THUS PLACING VERIFYING SIDE IN UNACCEPTABLE POSITION OF POSSIBLY HAVING TO VETO INDIVIDUAL PROPOSALS, AND INTRODUCING CONTENTION AND DISPUTE BETWEEN SIDES UNNECESSARILY. THIS ISSUE

PARTICULARLY APPROPRIATE AND SUSCEPTIBLE TO AMENDMENT PROCESS, AND SHOULD BE SO TREATED.

(C) (ISSUE NO. 7). LIMIT ON MINIMUM SPACING BETWEEN EXPLOSIVES. AGREED PROTOCOL PROVISION ON CONDITIONS CONCERNING USE OF SLIFERS, APPLICABLE TO ALL GROUP EXPLOSIONS HAVING PLANNED YIELDS OVER 150 KILOTONS, INCLUDE A LIMIT OF $10W^{1/3}$ METERS ON MINIMUM DISTANCE BETWEEN THE EXPLOSIVES. MOROKHOV (ONLY SOVIET TO ADDRESS SUBJECT THUS FAR) NOW SAYS THAT SOVIET PROPOSAL FOR "EXCEPTIONS" TO YIELD LIMIT OF 150 KILOTONS ON INDIVIDUAL EXPLOSIONS NEVER CONTEMPLATED GENERATING SUCH INDIVIDUAL EXPLOSIONS BY USE OF INDIVIDUAL EXPLOSIVES HAVING YIELDS OVER 150 KILOTONS. RATHER, HE SAYS, WHAT SOVIETS MEANT ALL ALONG WAS GROUP EXPLOSIONS WITH AGGREGATE YIELDS OVER 150 KILOTONS GENERATED BY INDIVIDUAL EXPLOSIVES NOT LARGER THAN 150 KILOTONS, BUT SPACED MUCH CLOSER TOGETHER THAN $10W^{1/3}$ METERS. THERE HAS NOT YET BEEN ANY DISCUSSION WITH SOVIET SIDE OF PRACTICAL SIGNIFICANCE FOR TREATY AND PROTOCOL PROVISIONS; HOWEVER, IT WOULD NOW APPEAR THAT "EXCEPTIONS" ISSUE HAS BEEN CONVERTED INTO AN ISSUE ABOUT LIKE THAT OF LONGER CANISTERS (ISSUE NO. 5). THUS WE ANTICIPATE, BUT CANNOT YET BE SURE, THAT THERE WILL BE HAGGLING OVER LANGUAGE TO EXPRESS POINT THAT SPACING BETWEEN EXPLOSIVES CANNOT BE LESS THAN $10W^{1/3}$ METERS UNLESS AGREEMENT REACHED ON PROVISIONS FOR SUCH PRACTICE AS CONDITION PRECEDENT.

6. LOCAL SEISMIC NETWORK

(A) (ISSUE NO. 8). ADMISSION YIELD. US SIDE ADVOCATES ALLOWING USE OF LOCAL SEISMIC NETWORK FOR ANY EXPLOSION HAVING PLANNED AGGREGATE YIELD HIGHER THAN 300
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KILOTONS. SOVIETS WANT TO SET THIS ADMISSION YIELD AT ONE MEGATON, BUT HAVE STATED A WILLINGNESS TO LOWER THIS TO 70 KILOTONS AND TO GO EVEN LOWER IF US WOULD ACCEPT SOVIET POSITION ON MAXIMUM AGGREGATE YIELD (ISSUE NO. 9).

(B) (ISSUE NO. 9). MAXIMUM AGGREGATE YIELD. US POSITION ONE MEGATON; SOVIET POSITION 2 MEGATONS. COMMENT: SOVIET ARGUMENTS CONCERNING ISSUES NO. 8 AND 9 RATHER WEAK. THEY ARGUE THAT ONLY CONSIDERATION INVOLVED IS NEED TO MAKE RISK TO EVADING SIDE SIGNIFICANT. THEY SEEM TO HAVE ENTIRELY IGNORED FACT THAT THEIR FORMULATION WOULD LEAD TO A VERY HIGH PROPORTION OF "FALSE ALARMS," ANY -- OR ALL -- OF WHICH COULD LEAD TO NEED FOR CONSULTATIONS TO CLARIFY WHETHER INDICATION OF A COLLATERAL TEST VALID OR NOT. THEIR ONLY RESPONSE HAS BEEN THAT IN SUCH

CASES SIDE CARRYING OUT EXPLOSION WOULD PROVIDE "ADDITIONAL INFORMATION." EXAMPLES OF THIS HAVE INCLUDED WILLINGNESS TO PROVIDE DATA FROM HOST PARTY LOCAL SEISMIC NET, CALIBRATION DATA, AND MORE GEOLOGY INFORMATION. IN PROCESS OF DISCUSSION, SOVIETS HAVE ADMITTED THAT PART OF ASSURANCE OF ABSENCE OF COLLATERAL TEST WOULD REST ON PRESENCE OF OBSERVERS. THIS WILL BE USED WHEN ADVANTAGEOUS IN DEALING WITH ISSUE NO. 14. END COMMENT.

(C) (ISSUE NO. 10). ALLOWED MAXIMUM DISTANCE OF SEISMIC SENSORS FROM EXPLOSION. US POSITION 20 KILOMETERS SOVIET POSITION 10 KILOMETERS.

(D) (ISSUE NO. 11). POST -EXPLOSION OPERATION OF SEISMIC NETWORK. US POSITION IS TO ALLOW OPERATION FOR AS LONG AS 15 DAYS AFTER EXPLOSION; SOVIET POSITION IS TO TERMINATE RIGHT OF OPERATION IMMEDIATELY AFTER EXPLOSION. US ARGUMENT IS THAT POST-EXPLOSION OPERATION WILL ALLOW DETECTION AND LOCATION OF COLLAPSE OF CAVITY FROM COLLATERAL TEST IN USEFUL FRACTION OF CASES. SOVIETS SAY THIS IS NOT USEFUL.

(E) (ISSUE NO. 12). TOPOGRAPHIC MAP. US ASKING FOR TOPOGRAPHIC MAP OF AREA TO USE IN MAKING PRELIMINARY CHOICE OF SITES FOR SEISMIC STATIONS. SOVIETS HAVE SAID NO, BUT ARE NOW INDICATING A FAIRLY POSITIVE MAYBE WITH NEW LABEL.
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(F) (ISSUE NO. 13). RADIO LINKS. US HAS FOR LONG TIME TAKEN POSITION THAT THERE MUST BE PROVISION FOR USING RADIO LINKS FOR DATA TRANSMISSION BETWEEN SEISMIC SENSING STATIONS AND CENTRAL STATION. MOROKHOV, IN ROUND V, SAID THIS WOULD BE AGREED IF RADION SYSTEM INTEGRAL PART OF SEISMIC EQUIPMENT. SOVIETS, IN THIS ROUND, "DON'T REMEMBER" MOROKHOV'S STATEMENT AND ARE SHOWING ALL OF LONG-EXPECTED SIGNS OF ANXIETY ABOUT SUCH RADIO SYSTEMS AND THEIR POTENTIAL ABILITY TO PICK UP "OTHER INFORMATION." THUS FAR, THEY HAVE ASKED MANY DETAILED TECHNICAL QUESTIONS AND SAY THEY ARE "STUDYING IT."

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7. AREAS, NUMBERS OF, AND TRIGGER FOR OBSERVER ACCESS.

(A)) (ISSUES NO. 14) ACCESS "ANYWHERE." US POSITION CALLS FOR OBSERVERS TO HAVE ACCESS ANYWHERE IN 10-KILOMETER CIRCLE AROUND EXPLOSION (BUT US PREPARED TO REDUCE TO 5 KILOMETERS IF NECESSARY) FOR EXPLOSION WITH AGGREGATE YIELD OVER 150 KILOTONS. GENERAL SUBJECT OF ACCESS RULES (INCLUDING TIMES OF ARRIVAL, OBSERVER COORDINATION WITH HOST RE: ACTIVITIES, AND DEPARTURE) HAS NOT YET COME UP FOR REAL DISCUSSION, BECAUSE SOVIETS HAVE CATEGORICALLY RESISTED ADDRESSING ISSUES OTHER THAN IN SINGLE SEQUENCE. WITH RESPECT TO "ANYWHERE," SOVIETS HAVE FREQUENTLY MADE CLEAR THAT THEY FIND WORD VERY DISTRESSING. COMMENT: SEE COMMENT UNDER ISSUE NO. 9. END COMMENT.

(B) (ISSUE NO. 15). NUMBER OF OBSERVERS. NOT DISCUSSED. SOVIETS SAY THEY WILL NOT MAKE THEIR POSITION CLEAR UNTIL UNDERSTANDING REACHED ON OBSERVER RIGHTS AND FUNCTIONS. COMMENT: IT MAY BECOME NECESSARY TO TIE NUMBERS OF OBSERVERS TO YIELD LEVEL, RECOGNIZING DIFFERENCES IN ALLOWED RIGHTS AND FUNCTIONS, AS WELL AS NUMBER OF EXPLOSIVES INVOLVED. END COMMENT.

(C) (ISSUE NO. 16). BASIS FOR OBSERVER PRESENCE FOR EXPLOSIONS IN YIELD RANGE 100 TO 150 KILOTONS. US POSITION IS IN FAVOR OF RIGHT TO BE PRESENT; SOVIET POSITION IS PRESENCE SHOULD BE ALLOWED ONLY AT INVITATION OF PARTY CARRYING OUT EXPLOSION WHEN THAT
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PARTY JUDGES THAT CIRCUMSTANCES ARE SUCH THAT NATIONAL TECHNICAL MEANS (NTM) MAY INCORRECTLY READ AN ACTUAL EXPLOSION OF 100-150 KILOTONS AS BEING OVER 150 KILOTONS. THEY PERSISTENTLY IGNORE QUESTIONS ABOUT EQUALLY INTERESTING POSSIBILITY THAT HOST PARTY

MIGHT CARRY OUT INDIVIDUAL EXPLOSION OVER 150 KILOTONS, WHILE ASSERTING THAT PLANNED YIELD IS LESS THAN 150 KT, AND PLANNING THAT CIRCUMSTANCES ARE SUCH THAT NTM MAY INCORRECTLY READ YIELD AS LESS THAN 150 KILOTONS. COMMENT: MOROKHOV HAS SAID THIS ROUND THAT THIS ISSUE MIGHT BE REFERRED TO A "HIGHER LEVEL," WHICH MAY MEAN THAT HE WOULD RATHER HAVE HIS ILLOGICAL POSITION TRIED IN A HIGHER COURT. END COMMENT.

8. TIMES OF OBSERVER ACCESS.

(A) (ISSUE NO. 17). TIME OF ARRIVAL OF OBSERVERS FOR PURPOSE OF CONFIRMING GEOLOGICAL AND GEOPHYSICAL INFORMATION. US HAS PROPOSED TO BE NOTIFIED 30 DAYS BEFORE BEGINNING OF PROCEDURE CHOSEN BY HOST WITH OBSERVERS ARRIVING ON-SITE 2 DAYS BEFORE BEGINNING AND CONTINUING UNTIL 4 DAYS AFTER SELECTED PROCEDURE IS COMPLETED. SOVIETS HAVE NEVER PROPOSED ANY TEXT COVERING TIMES OF ARRIVAL OR DEPARTURE OF OBSERVERS FOR THIS VERIFICATION PROCEDURE.

(B) (ISSUE NO. 18). TIMES OF ARRIVAL AND DEPARTURE OF OBSERVERS FOR EXPLOSIONS WITH AGGREGATE YIELDS BETWEEN 100 AND 150 KILOTONS. US HAS PROPOSED 5 DAYS BEFORE BEGINNING OF EMPLACEMENT AND CONTINUING UNTIL 2 DAYS AFTER EXPLOSION AND SAFE ACCESS TO AREA. SOVIETS HAVE PROPOSED GENERAL OBSERVER ACCESS PROVISION PROVIDING FOR ARRIVAL OF OBSERVERS 10 DAYS BEFORE BEGINNING OF EMPLACEMENT AND DEPARTURE 10 DAYS AFTER EXPLOSION.

(C) (ISSUE NO. 19). TIMES OF ARRIVAL AND DEPARTURE OF OBSERVERS FOR EXPLOSION WITH AGGREGATE YIELDS GREATER THAN 150 KILOTONS. US HAS PROPOSED THAT OBSERVERS ARRIVE 30 DAYS BEFORE BEGINNING OF EMPLACEMENT AND DEPARTURE 15 DAYS AFTER SAFE ACCESS TO SITE. ONLY APPROPRIATE SOVIET TEXT IS SAME PROVISION REFERRED TO IN PARA 8(B), ABOVE.

COMMENT: CURRENT US PROPOSAL TO NOT USE SEISMIC NETWORK FOR AGGREGATE YIELDS BELOW 300 KILOTONS MAY REQUIRE REFORMULATION OF US POSITION REGARDING DATE OF DEPARTURE FOR OBSERVERS FOR EXPLOSION WITH AGGREGATE YIELDS BETWEEN 150 AND 300 KILOTONS.

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CURRENT DISCUSSION OF EQUIPMENT SELECTION AND EXAMINATION PROCEDURES IS IN CONTEXT OF OBSERVERS BEING PRESENT SO AGREEMENT WITH SOVIETS MAY NOT BE DIFFICULT ON TIMES THIS PARA AND PARA 8(B) ABOVE. END COMMENT.

9. PHOTOGRAPHY (ISSUE NO. 20). US POSITION IS THAT OBSERVERS BE ALLOWED TO TAKE PHOTOGRAPHS OF CERTAIN STATED THINGS. SOVIETS DO NOT HAVE EXTENSIVE PROBLEMS WITH LIST OF THINGS TO BE PHOTOGRAPHED, BUT ARE GREATLY EXERCISED AT NOTION OF OBSERVERS HAVING AND USING CAMERAS. SOVIETS WANT TO TAKE PICTURES (IF ANY). THIS IS A VERY SENSITIVE ITEM; PART OF

"YOU NEVER KNOW WHAT OTHER INFORMATION WILL BE ACQUIRED"
ROUTINE.

10. EXAMINATING AND CUSTODY OF VERIFICATION EQUIPMENT.

(A) (ISSUE NO. 21). TIME AND PLACE OF INITIAL CHOICE. UNDER CHOICE PROCEDURE, US POSITION IS THAT CHOICE SHOULD BE MADE AT PROJECT SITE AFTER EQUIPMENT HAS BEEN DEMONSTRATED TO BE IN WORKING ORDER. SOVIETS WANT PROVISION TO ALLOW CHOICE AS EARLY AS MOMENT OF ARRIVAL AT PORT OF ENTRY.

(B) (ISSUE NO. 22). DEMONSTRATION VERSUS EXAMINATION. SOVIETS SAY THEY ARE NOT INTERESTED IN DEMONSTRATION THAT EQUIPMENT IS IN WORKING ORDER. THEY WANT PROVISION THAT WAS IN US FORMER POSITION, ALLOWING EXAMINATION BY HOST PARTY FOR SOMEDAYS (PROBABLY 10) IN PRESENCE OF OBSERVERS.

(C) (ISSUE NO. 23). POST-EXPLOSION RETENTION OF EQUIPMENT USED IN RECORDING DATA. US POSITION WOULD ALLOW HOST PARTY TO RETAIN FOR 30 DAYS ONE OF TWO SETS OF EQUIPMENT USED FOR RECORDING DATA, THAT SET TO BE SELECTED BY CHANCE. SOVIETS HAVE NOT DECLINED US PROPOSAL, BUT CONTINUE TO ADVOCATE PROVISION IN FORMER US POSITION ALLOWING 30-DAY RETENTION OF ALL EQUIPMENT FOR DATA RECORDING, I.E., NOT ONE OF TWO (WHAT THEY WOULD REALLY LIKE, BASED ON THEIR DISCUSSION COMMENTS, IS ALL EQUIPMENT NO MATTER WHAT ITS FUNCTION).

COMMENT: CONCERNING ISSUES NO. 21 THROUGH 23, US ARGUMENT IS THAT OUR PROVISIONS PROVIDE MORE THAN ADEQUATE ASSURANCE THAT EQUIPMENT CONTAINS NO "COLLATERAL CAPABILITIES" (TIMERBAEV'S TERM) AND WOULD PRESENT VERIFYING SIDE WITH UNACCEPTABLY HIGH RISK
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OF GETTING CAUGHT. SOVIETS AGREED THAT A HIGH ORDER OF RISK MIGHT BE SEEN BY VERIFYING SIDE, BUT THEY ARGUE THAT HOST PARTY MUST HAVE "ABSOLUTE CONFIDENCE" THAT NO "OTHER INFORMATION" COULD HAVE BEEN ACQUIRED. HENCE, THEIR POSITION. WE ARE DEALING HERE WITH AN ISSUE ON WHICH MERE FACTS AND LOGIC WILL NOT BE ENOUGH. END COMMENT.

11. OTHER EQUIPMENT (ISSUE NO. 24). US POSITION IS THAT OBSERVERS SHOULD HAVE RIGHT TO BRING THEIR OWN TOOLS AND MISCELLANEOUS SUPPORT EQUIPMENT IF THEY CHOOSE TO DO SO. SOVIETS WANT VERY MUCH TO PROVIDE ONLY FOR OBSERVERS BEING SUPPLIED WHAT THEY NEED BY HOST PARTY. THEIR REASON IS SAME AS ELSEWHERE: YOU NEVER KNOW WHAT CAN CARRY "COLLATERAL CAPABILITIES" TO ACQUIRE "OTHER INFORMATION".

12. WHO PAYS? (ISSUE NO. 25). SOVIETS HAVE NOT YET GIVEN US SPECIFIC TEXT, BUT IT HAS BEEN MADE QUITE CLEAR THAT THEY ARE GOING TO PROPOSE THAT VERIFYING SIDE PAY FOR GOODS AND SERVICES RENDERED.

COMMENT: WE WILL TRY TO GET THIS INTO OPEN DURING MATHESON'S VISIT.
END COMMENT.

13. THERE ARE VARIOUS ADDITONANL ISSUES OF MORE DETAILED CHARA-
CTER, I.E.:

(A) (ISSUE NO. 26). NUMBER OF SEISMIC STATIONS ALLOWED. CURRENT
POSITIONS ARE THAT NUMBER OF STATIONS SHOULD BE NUMBER OF
EXPLOSIVES PLUS 5 (US) OR 3 (USSR).

(B) (ISSUE NO. 27). PRECISION OF INFORMATION OF ACTUAL
DETONATION TIME. ONE-TENTH (US) OR ONE (USSR) SECOND.

(C) (ISSUE NO. 28). PLANNED TIME OF DETONATION OF EACH EXPLOSION
WITH A PRECISION OF ONE SECOND. TWO DAYS (USSR); SEVEN DAYS
(US).

(D) (ISSUE NO. 29). ADVANCE NOTIFICATION WITH RESPECT TO
DIAMETER OF EXPLOSIVE CANISTER. US - YES; USSR - NO.
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